

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES EUGENE HUTCHISON,)	
)	
Petitioner,)	3:11-cv-00034-LRH-VPC
)	
vs.)	
)	ORDER
STATE OF NEVADA, et al.,)	
)	
Respondents.)	
	/	

The petitioner has presented the Court with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1-1) and an application to proceed *in forma pauperis* (ECF No. 1).

The petitioner's application to proceed *in forma pauperis*, including the financial certificate, establishes that the petitioner qualifies for *in forma pauperis* status. He shall be granted leave to proceed *in forma pauperis*, and shall not be required to pay the filing fee for his habeas corpus petition.

The Clerk shall detach and file the petition for writ of habeas corpus. However, the petition shall not yet be served as the Court's preliminary review of the petition raises questions which must be addressed by petitioner. For example, petitioner fails to provide the date that the judgment of conviction was entered against him. Petition, item 2. Moreover, he further states that he currently has pending with the Ninth Circuit Court of Appeals an action regarding the conviction which he attempts to attack in this petition. Petitioner is further advised the he is required to identify as a respondent the warden of the facility where he is incarcerated. Naming the State of Nevada as the sole respondents is inappropriate. These issues may require the petition to be dismissed prior to service. *See* Rules Governing 2254 Petitions, Rule 4 - Preliminary Review.

1 Petitioner shall be given thirty days to file an amended petition which provides the required
2 information about the date of the judgment of conviction under attack. A petition for federal habeas
3 corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such
4 a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See*
5 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his
6 petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend
7 his petition to add the claim. He shall further be required to provide information to the court regarding
8 the action pending in the Ninth Circuit Court of Appeals including the case title and number and the
9 nature of the action. Petitioner should provide a copy of the Order granting a certificate of appealability
10 in the pending matter or other documentation which explains the exact nature of that action.

11 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma pauperis*
12 (ECF No. 1) is **GRANTED**. Petitioner shall not be required to pay a filing fee to file his habeas corpus
13 petition.

14 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the petition for writ of habeas
15 corpus and shall **ELECTRONICALLY SERVE** that petition upon respondents. Respondents shall
16 have twenty days to file a Notice of Appearance in the matter. No response shall be made until further
17 order of the Court.

18 **IT IS FURTHER ORDERED** that the Clerk shall send to petitioner a form and instructions for
19 preparing and filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner shall
20 have thirty days to file an amended petition addressing the issues discussed above. He shall identify the
21 petition with the heading "First Amended." Failure to comply with the order may result in the petitioner
22 being dismissed.

23 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General
24 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration
25 by the Court. Petitioner shall include with the original paper submitted for filing a certificate stating
26 the date that a true and correct copy of the document was mailed to the Attorney General. The Court
27 may disregard any paper that does not include a certificate of service. After respondents appear in this
28

1 action, petitioner shall make such service upon the particular Deputy Attorney General assigned to the
2 case.

3 Dated this 4th day of February, 2011.



6 LARRY R. HICKS
7 UNITED STATES DISTRICT JUDGE